

ASSEMBLY BILL

No. 694

Introduced by Assembly Member Saldana

February 26, 2009

An act to repeal Chapter 642 of the Statutes of 1929, relating to tidelands and submerged lands.

LEGISLATIVE COUNSEL'S DIGEST

AB 694, as introduced, Saldana. Tidelands and submerged lands: City of San Diego.

Under existing law, various grants of tidelands and submerged lands have been made in trust to local agencies, including several grants of specified tidelands to the City of San Diego. Existing law provides that certain tidelands granted to the City of San Diego ceased to be tidelands and were free from all trusts and restrictions, subject to specified conditions.

This bill would repeal the provisions freeing former tidelands granted to the City of San Diego from use restrictions and would specify that the repeal of those provisions shall not be construed to overturn or nullify the decision of a federal district court concerning certain tidelands in the City of San Diego or any title settlement agreement entered into by the state. The bill would require the State Lands Commission to represent the state and to cooperate in resolving title and boundary issues involving tidelands and submerged lands.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Sections 3 and 4 of Article X of the California Constitution,
4 formerly Sections 2 and 3 of Article XV of the California
5 Constitution, were adopted both to protect the state's waterways
6 and promote public access to those waterways.

7 (b) The state's sovereign interests in tidelands, submerged lands,
8 and the beds of nontidal navigable waters, whether filled or
9 unfilled, are held in trust to be protected as public trust lands
10 pursuant to the California Constitution and the common law public
11 trust doctrine.

12 (c) As trustee of California public trust lands, the state has a
13 duty to protect and promote public access to, and use of, these
14 lands for trust purposes, including, but not limited to, maritime
15 commerce and commercial and recreational navigation and fishing.

16 (d) Recognizing that the use of the state's tidelands and
17 submerged lands by the United States has been beneficial to the
18 state's economic interests and the nation's defense interests and
19 that the continued use of those lands is necessary for military and
20 naval defense purposes as set forth in Section 8 of Article I of the
21 United States Constitution, regarding the authority of Congress,
22 and in Section 2 of Article VI of the United States Constitution,
23 regarding federal supremacy, that authorize Congress to provide
24 for the military defense of the United States, nothing in this act
25 shall be construed to interfere with military operations or national
26 defense activities by the United States on public trust lands
27 acquired from the state or its trustees for military defense uses.

28 SEC. 2. Chapter 642 of the Statutes of 1929 is repealed.

29 SEC. 3. As authorized by existing law, including, but not
30 limited to, Sections 6210, 6222, 6301, 6307, and 6308 of the Public
31 Resources Code, the State Lands Commission shall represent the
32 state and cooperate with the state's local trustees and the United
33 States in resolving their respective title and boundary issues
34 involving tidelands and submerged lands, including, but not limited
35 to, those involved in the Base Closure and Realignment Law as
36 provided in subsection (d) of Section 2903 of the National Defense
37 Authorization Act for Fiscal Year 1994 (Public Law 103-160 (Nov.
38 30, 1993) 107 Stat. 1915).

1 SEC. 4. The repeal of Chapter 642 of the Statutes of 1929 shall
2 not be construed as overturning or otherwise nullifying the decision
3 in *United States of America v. 15.320 Acres of Land* (1991) U.S.
4 Dist. LEXIS 21875 or any title settlement agreement entered into
5 by the State of California.

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